

HON. RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HIDDEN HILLS MANAGEMENT, LLC, and
334TH PLACE 2001, LLC

Plaintiffs,

v.

AMTAX HOLDINGS 114, LLC, and AMTAX
HOLDINGS 169, LLC

Defendants.

AMTAX HOLDINGS 114, LLC, AMTAX
HOLDINGS 169, LLC, and PARKWAY
APARTMENTS, LP

Counter-Plaintiffs,

v.

HIDDEN HILLS MANAGEMENT, LLC,
and 334TH PLACE 2001, LLC

Counter-Defendants.

Case No. 3:17-cv-06048-RBL

NOTICE OF RULE 30(b)(6) DEPOSITION
OF AMTAX HOLDINGS 169, LLC

TO: AMTAX HOLDINGS 169, LLC, Defendant

AND TO: David J. Burman, Steven D. Merriman, Christopher G. Caldwell, Eric S.
Pettit, Attorneys for Defendants

NOTICE OF 30(b)(6) DEPOSITION OF
DEFENDANT AMTAX 169- 1

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STOEL RIVES LLP
ATTORNEYS
600 University Street, Suite 3600, Seattle, WA 98101
Telephone 206.624.0900

EXHIBIT 1

BLAKE 30(b)(6)

10/26/18

Diane Rugh, CCR 2399, CRR

1 PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 30(b)(6), a
2 deposition upon oral examination of Amtax Holdings 169, LLC ("Amtax 169") will be taken on
3 behalf of Plaintiff, 334th Place 2001, LLC ("334th Place"), before a Notary Public, at the time
4 and location below. The deposition will be recorded by a stenographic reporter duly authorized
5 by law to administer oaths. The deposition is subject to continuance or adjournment from time
6 to time or place to place until completed, and is to be taken on the ground that Amtax 169 will
7 give evidence material to the establishment of 334th Place's case and its defense against Amtax
8 169's counterclaims. Plaintiffs specifically reserve the right to conduct further depositions
9 pursuant to Rule 30(b)(6) regarding subjects not specifically covered by this notice of deposition.

10 DATE & TIME: September 28, 2018, at 9:00 a.m.

11 PLACE: Stoel Rives LLP
12 600 University Street, Suite 3600
13 Seattle, WA 98101

14 YOU ARE FURTHER NOTIFIED that Amtax 169, pursuant to Rule 30(b)(6), shall
15 produce at its deposition those officers, directors, managing agents, employees, or agents who
16 are most qualified to testify on behalf of Amtax 169 as to the matters listed on the attached
17 Exhibit A.

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DEFENDANT AMTAX 169- 2

1 DATED: August 31, 2018.

2 STOEL RIVES LLP

3
4 /s/ David R. Goodnight

David R. Goodnight, WSBA No. 20286

5 Rita V. Latsinova, WSBA No. 24447

6 J. Scott Pritchard, WSBA No. 50761

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11 Attorneys for Plaintiffs Hidden Hills

Management LLC and 334th Place 2001, LLC

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DEFENDANT AMTAX 169- 3

EXHIBIT A: FRCP 30(b)(6) DEPOSITION TOPICS

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2 1. All reasons for Amtax 169's failure to provide an appraisal as required by Section
3 7.4.J of the Parkway Limited Partnership Agreement.

4 2. When Amtax 169 began to look for and "uncover questionable activity" by 334th
5 Place as alleged in paragraph 72 of the counterclaims, as to each of the "questionable activities"
6 alleged.

7 3. Who at Amtax 169 reviewed Parkway Limited Partnership's annual U.S.
8 Department of Housing and Urban Development ("HUD") audits as they pertain to the alleged
9 misconduct identified in the counterclaims, when those persons first identified the alleged
10 misconduct, and when the issues were first raised with 334th Place.

11 4. The basis for Amtax 169's assertion that the fees at issue in paragraph 74(a)-(h) of
12 the counterclaims were not authorized, including who at Amtax 169 made that determination, the
13 date that determination was made, and when the issues were first raised with 334th Place.

14 5. Amtax 169's knowledge of any issues regarding the housing of employees as
15 alleged in paragraph 74(i) of the counterclaims and when those issues were first raised with
16 334th Place.

17 6. The basis for Amtax 169's assertion that the legal services, extermination
18 services, engineering survey fees, and miscellaneous expenses at issue in paragraph 74(j)-(m) of
19 the counterclaims were not authorized, including but not limited to the assertion that associated
20 expenses were paid to an "affiliate" of 334th Place, who at Amtax 169 made that determination,
21 the date that determination was made, and when the issues were first raised with 334th Place.

22 7. The basis for Amtax 169's assertion of misconduct or mismanagement in the
23 counterclaims with regard to the costs for comparable goods or services purchased by the
24 Parkway Limited Partnership, who at Amtax 169 made that determination, the date that
25 determination was made, and when the issues were first raised with 334th Place.

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DEFENDANT AMTAX 169- 4

1 8. Any other “fees” paid to 334th Place that Amtax 169 contends were
2 “unauthorized,” exceed what is “authorized,” or any other “substantial economic losses” which
3 form the basis for Amtax’s 169’s contention in the counterclaims that it is entitled to over \$1.5
4 million in damages.

5 9. A definition and explanation of Amtax 169’s allegations regarding misconduct in
6 connection with “operating expenses,” including Amtax’s understanding regarding repairs,
7 construction, or other capital improvements made at the Parkway Apartments.

8 10. The basis for Amtax 169’s allegations regarding the appropriate rental rates to be
9 charged at the Parkway Apartments, including HUD’s annual median income figures and how
10 those figures relate to the appropriate rental rates to be charged at the Parkway Apartments.

11 11. Amtax 169’s identification of and understanding regarding any and all
12 “unnecessary advances” to 334th Place to fund Parkway Limited Partnership’s operating deficits,
13 as that phrase is used in paragraph 79 of the counterclaims.

14 12. The basis for any other claims of misconduct or “questionable activity” asserted
15 against 334th Place in Amtax 169’s May 8, 2018, letter attached hereto as **Exhibit 1**.

16 13. Are there any management or business decisions Amtax 169 contends were made
17 without its knowledge, including any maintenance, repair or other business decisions, or issues
18 related to fees, where Amtax 169 contends that 334th Place failed or refused to provide requested
19 information? In this regard, please be prepared to address the issues contained in the
20 correspondence attached at **Exhibits 2 and 3**.

21 14. Every element of the claimed damages of \$1.5 million in Amtax 169’s
22 counterclaims, and for each element or component the amount of damages sought and an
23 explanation of the basis for the claimed damages.

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CERTIFICATE OF SERVICE

I, Eileen McCarty, certify that at all times mentioned herein, I was and am a resident of the state of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is that of Stoel Rives LLP, 3600 One Union Square, 600 University Street, Seattle, Washington 98101.

On August 31, 2018, I caused a copy of the foregoing document to be served upon the following individual(s) in the manner indicated below:

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☐ hand delivery
☐ facsimile transmission
☐ overnight delivery
☒ first class mail
☒ e-mail delivery

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☐ hand delivery
☐ facsimile transmission
☐ overnight delivery
☒ first class mail
☒ e-mail delivery

Attorneys for Defendant and Counter-Plaintiff AMTAX Holdings 114, LLC

Executed on August 31, 2018, at Seattle, Washington.

s/ Eileen McCarty
Eileen McCarty, Legal Practice Assistant

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